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STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

STATE OF WASHINGTON,
Respondent,
v.
Sean Klann
Appellant.

No. 44556-5-II
STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

BY
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STATE OF WASHINGTON
2013 SEP 18 PM 1:09

FILED
APPEALS
COURT OF APPEALS
DIVISION II

I, Sean Klann, have received and reviewed the opening brief prepared by my attorney. Summarized below are the additional grounds for review that are not addressed in that brief. I understand the Court will review this Statement of Additional Grounds for Review when my appeal is considered on the merits.

Additional Ground 1

See Attached

Additional Ground 2

See Attached

If there are any additional grounds, a brief summary is attached to this statement.

Date: 9/13/13

Signature: Sean Klann

Additional Ground 1

I repeatedly attempted to provide my public defender, Michael Underwood, with exculpatory evidence proving my innocence. I provided him a list of expert witnesses that could be used to prove the testimony of the States expert witness to be exaggerated, misleading, and fraudulent. I believe as a result of his apparent lack of interest, and his attempt to conceal evidence, renders Deficient Performance and constitutes Ineffective Assistance of counsel. This was brought to the courts attention at a hearing before Judge Nelson Hunt on December 20th 2012.

Additional Ground 2

I further argue that the failure to the repeated request for a Hearing on the Admissability of the Confession made to Michael Underwood renders Ineffective Assistance of Counsel. I asked on numerous occasions for Mr Underwood to file a pre-trial motion for a hearing. He denied saying "I'm not calling it a confession, the prosecutor is not calling it a confession, you are the only one calling it a confession." That statement should raise questions to its credibility and admissability. This was brought to the courts attention at a hearing before Judge Nelson Hunt on December 20th 2012.

Additional Ground 3

The trial court erred in denying defendants motion to

disqualify defense counsel. Again on December 20th 2012 I explained in great detail the negligence and misconduct of my public defender Michael Underwood. In his response Judge Nelson Hunt denied my request and in doing so seriously violated my Constitutional Rights by denying me the right to counsel. Furthermore, by refusing to properly preparing for trial, Mr Underwood had established that he was going to provide a sub-standard defense. In his refusal to provide an adequate defense, and had Mr Underwood presented the very same case he did at trial to a jury, my chances of being found innocent were so minute, that I was forced to take a bench trial.

Additional Grounds 4

I argue further that Mr. David Brown, my initial public defender, rendered ineffective assistance of counsel by not requesting a Hearing for the Admissability of the Confession. As rule 3.5 (a) Confession Procedure clearly states: Requirement for time of hearing. When a statement of the accused is to be offered in evidence, the judge at the time of the obnibus hearing shall hold or set the time for a hearing, if not previously held, for the purpose of determining whether the statement is admissible.

Additional Grounds 5

Also in a decision made on January 3rd 2013 by Judge Richard Brosey for Change of Venue, Judge Brosey

denied the motion on principal that it was an untimely request. I would argue that this is another example of Ineffective Assistance of Counsel on the part of yet another public defender Chris Baum. This request was made to him in September 2012 and on October 4th 2012 Mr Baum filed a motion to withdraw from counsel without requesting change of venue. That information should have been forwarded to the following attorney and filed immediately.

Additional Ground 6

Allowing the accuser to testify to what was on the one-sided phone conversation (also known as States evidence Exhibit 1) and allowing it in to evidence, was both inflammatory and prejudicial. It assumes facts not in evidence. Furthermore, what should be considered out of court statements attributed to the accuser constituted impermissible opinion testimony about the defendants guilt, which invaded my right to a fair trial.

Additional Ground 7

I further argue that neither my conviction for rape, child molestation, nor Indecent Liberties is supported by sufficient evidence. In his dismissal of the facts, the judge says; In relevant part, the courts oral ruling on conviction is as follows: "But it isn't that the Court is basing its finding here as to whether or not the State are [unclear]."

Additional Ground 8

Finally, in a similar decision made by Judge James Lawler out of Lewis County Superior Court in the matter of State v. Kenneth Slert and on reversal by Washington State Court of Appeals: You can not find someone guilty solely because you find the States witness to be more believable and the defendant was not. And under the

has proven its case that the Court is relying on, its the fact as far as I'm concerned I believe Sarah Kaech." Since there was no scientific, forensic, or no other evidence, independent of the alleged victims testimony that would corroborate specifically these accusations, the state is unable to meet its burden of proof. As previously set, evidence is sufficient to support a conviction if, after the evidence and all reasonable inferences from it is viewed in the light most favorable to the State, a rational trier of fact could find each element of the crime proven beyond reasonable doubt. State v. Green, 94 Wash. 2d 216, 221, 616 P.2d 628 (1980). So what you are left with now is a prosecutor who has made it clear that her case rises and falls on the statements of the accuser, and has went forward with the case when she knows that there is no other evidence. That is not seeing that justice is done. That is simply forcing to fit misleading facts into a prosecution to prosecute it at all costs.

Additional Ground 8

Finally, in a similar decision made by Judge James Lawler out of Lewis County Superior Court in the matter of State v. Kenneth Slert and on reversal by Washington State Court of Appeals: You can not find someone guilty solely because you find the States witness to be more believable and the defendant was not. And under the

"Corpus delicti rule" a defendant's incriminating statement alone is not sufficient to support the inference that there has been a criminal act; the state must present evidence independent of the defendant's incriminating statement that the crime the defendant described in the statement actually occurred.

Conclusion

The case against me was built on evidence that was, by any reasonable standards, compromised, corrupted, and unsafe. I Sean Klamn respectfully request this Court reverse my conviction and remand for a new trial based on the trial court's failure in denying me of the right to counsel and denial or impairment of the right to a jury trial. I Sean Klamn also claim ineffective assistance of counsel on all my public defenders and claim insufficient evidence to support a conviction as a bases for not only remand for re-trial but direct acquittal.

Respectfully Submitted,

Sean Klamn

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